

## COASTAL CONSERVANCY

Staff Recommendation  
December 6, 2012

### MALIBU COASTAL ACCESS PUBLIC WORKS PLAN

Project No. 12-024-01

Project Managers: Joan Cardellino and Kara Kemmler

**RECOMMENDED ACTION:** Authorization to disburse up to \$470,000 to the Mountains Recreation and Conservation Authority to prepare a Malibu Coastal Access Public Works Plan for selected sites in the City of Malibu, Los Angeles County.

**LOCATION:** City of Malibu, Los Angeles County

**PROGRAM CATEGORY:** Public Access

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#### EXHIBITS

- Exhibit 1: Project Location and Site Map
- Exhibit 2: Map of Existing, Open Vertical Accessways in Malibu
- Exhibit 3: Proposed Public Works Plan Project Site Locations
- Exhibit 4: Proposed Public Works Plan Site-Specific Information (Map, Current Photos and Nature of Property Interest)
  - (A) Las Tunas Beach: 19016 Pacific Coast Highway ("PCH");
  - (B) Las Tunas Beach: APNs: 4449-007-013, -014, -015, -016 and -017;
  - (C) Las Flores Beach: 20802 PCH;
  - (D) La Costa Beach: 21554 PCH;
  - (E) La Costa Beach: 21664 PCH;
  - (F) Carbon Beach: 22030 PCH;
  - (G) Carbon Beach: 22466 PCH;
  - (H) Malibu Cove Beach: 26834 Malibu Cove Colony Road;
  - (I) Escondido Beach: 27348 and 27400 PCH ;
  - (J) Escondido Beach: 27700 PCH;
  - (K) Escondido Beach: 27910 and 27920 PCH;
  - (L) Lechuza Beach: APNs 4470-021-900; 4470-028-900

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through 918; 4470-001-900, 4470-024-900, 901; other easements along West and East Sea Cliff Drive and over 31736 Broad Beach Rd.

Exhibit 5: Project Letters

Exhibit 6: Proof of Service of Mailing Notice to all Malibu Property Owners City-Wide and Publication in Malibu Times Newspaper

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### RESOLUTION AND FINDINGS:

Staff recommends that the State Coastal Conservancy adopt the following resolution pursuant to Sections 31111 and 31400 *et seq.* of the Public Resources Code:

"The State Coastal Conservancy hereby authorizes disbursement of up to four hundred seventy thousand dollars (\$470,000) to the Mountains Recreation and Conservation Authority (MRCA) to prepare a Malibu Coastal Access Public Works Plan, subject to the following conditions:

1. Prior to the disbursement of funds, MRCA shall submit for the review and approval of the Conservancy's Executive Officer a work program, including budget and schedule, for the project and any contractors to be retained.
2. To the extent appropriate, the Malibu Coastal Access Public Works Plan shall incorporate the guidelines of the Conservancy's 'Standards and Recommendations for Accessway Location and Development' and shall be consistent with the requirements of all applicable federal and state laws governing barrier-free access for persons with disabilities."

Staff further recommends that the Conservancy adopt the following findings:

"Based on the accompanying staff report and attached exhibits, the State Coastal Conservancy hereby finds that:

1. The proposed project is consistent with the November 10, 2011 Project Selection Criteria and Guidelines.
  2. The proposed authorization is consistent with the purposes and objectives of Chapter 9 of Division 21 of the Public Resources Code, regarding public access.
  3. The proposed project will serve greater-than-local needs."
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### PROJECT SUMMARY:

Staff recommends disbursement of up to four hundred seventy thousand dollars (\$470,000) to the Mountains Recreation and Conservation Authority (MRCA) for the purpose of preparing a Malibu Coastal Access Public Works Plan (Public Works Plan).

In connection with its statutory mandate to promote public accessways to and along the coast, the Conservancy aids in the planning for public accessways to the Malibu beaches. Currently, in

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## *MALIBU COASTAL ACCESS PUBLIC WORKS PLAN*

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addition to state and county beaches, there are over 30 public accessways in Malibu, many of which were created by deed restrictions or the acceptance of an offer to dedicate an easement over private property required as a condition of a California Coastal Commission coastal development permit. MRCA holds and manages most of these easement accessways; the Conservancy continues to hold only a handful of the easement accessways, along with the State Lands Commission and the County of Los Angeles.

There are two types of public accessways to and along the Malibu coast. The first type is a "lateral" accessway, that is, the accessway runs along the length of a beach, from the mean high tide mark landward. These lateral accessways generally require no improvements to be publicly usable (and, typically require no or limited management). The other type is a "vertical" accessway, which provides access to the coast from the first street landward of the ocean. In Malibu, with some limited exception (for this proposed plan, exceptions include Lechuza Beach), the first street landward of the ocean is Pacific Coast Highway. Currently, 8 of these vertical accessways are developed and in use (See Exhibit 2.) Twelve vertical accessways are undeveloped for public use due to lack of necessary public improvements and in many of these cases, the vertical accessways face some barrier to full public use (such as encroachments, lack of signage, or physical barriers).

Development of public accessways to the Malibu beaches continues to be a long, hard process. In great part, this is due to delays and impediments in the form of regulatory issues and permitting as well as landowner or homeowner association legal challenges.

The Conservancy and MRCA seek to explore the feasibility of developing, and, if determined feasible, to develop these remaining undeveloped or impeded accessways in Malibu as expeditiously as possible, in order to satisfy the objectives of the Coastal Act and the Conservancy's statutory mandate, both of which require maximum public coastal access. In order to do so effectively, a comprehensive plan is required, covering all potential projects that might be accomplished over a reasonable period of time. The proposed Public Works Plan is intended to serve that purpose.

As with any development along the coast, each of the proposed accessway development projects under the Public Works Plan is subject to review for consistency with the policies of the Coastal Act. As a general rule, where there is an approved local coastal plan, this would usually take the form of a project-by-project review by the local government for consistency with its Coastal Commission-certified local coastal program. However, in order to promote greater efficiency for the planning of any "public works development", the Coastal Act authorizes the Coastal Commission to comprehensively review all public works development projects proposed under a public works plan, rather than requiring piecemeal review by a local government. "Public works development" as used in the Coastal Act extends to "all publicly financed recreational facilities [and] all projects of the State Coastal Conservancy" and, thus would cover this Public Works Plan, which is both a Conservancy public works project and a publicly financed recreational facilities project of the MRCA and Conservancy. The rationale for the inclusion of all projects of the Conservancy as public works development is due to the Conservancy's statewide mandate to provide maximum public coastal access.